

10/29/01

**SUBJ: FLIGHT OPERATIONAL QUALITY ASSURANCE AVIATION RULEMAKING  
COMMITTEE**

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- 1. PURPOSE.** This order constitutes the charter for the Flight Operational Quality Assurance (FOQA) Aviation Rulemaking Committee (ARC) that is designated and established pursuant to the Administrator's authority under Title 49 of the United States Code (49 U.S.C.) Section 106(p)(5).
- 2. DISTRIBUTION.** This order is distributed at the director level in Washington headquarters and in the regions with a division level distribution in the regional Flight Standards Divisions.
- 3. BACKGROUND.** FOQA is a program for the routine collection and analysis of digital flight data from an aircraft operator's flight operations. The information gleaned from FOQA can be used to identify adverse safety trends. The purpose of a FOQA program is to improve flight safety. FOQA can provide objective safety information that is not otherwise obtainable. No aircraft operator is required to have a FOQA program. No operator who conducts a FOQA program is required to obtain Federal Aviation Administration (FAA) approval of that program. However, an aircraft operator who seeks the protection available in Title 14 of the Code of Federal Regulations (14 CFR) part 13 from the use by FAA of FOQA information for enforcement purposes must obtain FAA approval of its program.
- 4. OBJECTIVES AND SCOPE OF ACTIVITIES.** The Administrator has determined that a government/industry forum is needed to provide FAA with advice on FAA FOQA policy and to prepare recommendations on whether further rulemaking applicable to FOQA would or would not be appropriate. The FOQA ARC (hereafter referred to as the "committee") will serve as a forum for interaction among FAA, industry employee groups, and airlines regarding FOQA regulation, policy, issues, and concerns. The committee will be assigned specific tasks by the Associate Administrator for Regulation and Certification.
- 5. DUTIES.**
  - a.** The committee shall meet with such employees of FAA as may be designated by the Associate Administrator for Regulation and Certification, and present whatever input, guidance, and recommendations the members of the committee consider relevant to the ultimate disposition of FOQA issues.
  - b.** If directed to do so by the Associate Administrator for Regulation and Certification, the committee shall conduct at least one public meeting to provide all interested parties an opportunity to present their views and recommendations on FOQA issues.

## **6. ORGANIZATION AND ADMINISTRATION.**

a. The Associate Administrator for Regulation and Certification shall have the sole discretion to appoint members of the committee. The committee shall consist of employees of FAA and members of the public representative of the various viewpoints of companies and labor associations involved in FOQA.

b. The Associate Administrator for Regulation and Certification shall receive all committee recommendations and reports. The Associate Administrator shall also be responsible for providing administrative support for the committee.

c. The Associate Administrator for Regulation and Certification is the sponsor of the committee and shall designate the Chair of the committee from the membership of the committee. Once designated, the Chair:

(1) Determines, in coordination with the other members of the committee, when a meeting is required and where it will be held;

(2) Arranges notification to all committee members of the time and place for any meeting; and

(3) Formulates an agenda for each meeting and conducts the meeting.

d. The committee is not required to keep minutes, but may elect to do so.

e. The committee's meetings shall not be open to the public.

**7. COMPENSATION.** Nongovernment representatives serve without Government compensation and bear all costs related to their participation on the committee.

**8. ESTIMATED COST.** The estimated operating cost (including pro rata share of salaries of FAA employees) is \$30,000. Approximately 0.3 person-years will be required to support the committee.

**9. PUBLIC PARTICIPATION.** Unless otherwise decided by the Associate Administrator for Regulation and Certification, all meetings of the committee shall be closed. Interested persons wishing to attend a meeting who are not members of the committee must request and receive approval in advance of the meeting from the Associate Administrator.

**10. AVAILABILITY OF RECORDS.** Subject to the provisions of the Freedom of Information Act, 5 U.S.C. Section 522, records, reports, agendas, working papers, and other documents that are made available to, prepared by, or prepared for the committee shall be available for public inspection and copying at the FAA Office of Rulemaking, 800 Independence Avenue, SW., Washington, DC 20591. Fees shall be charged for the information furnished to the public in accordance with the fee schedule published in 49 CFR part 7.



**11. PUBLIC INTEREST.** The formation of the FOQA ARC is determined to be in the public interest in connection with the performance of duties imposed on FAA by law.

**12. EFFECTIVE DATE AND DURATION.** This committee is effective on October 29, 2001. The committee shall remain in existence until October 29, 2003, unless sooner terminated or extended by the Administrator.

  
Jane F. Garvey  
Administrator